

Administrative Procedures

DATE NOVEMBER 25, 1991	GROUP SPECIAL SUPPORT	SUPERSEDES PER-6.01 (8/27/90)
SECTION PERSONNEL MANAGEMENT	TRANSMITTAL ADOTM-1 VOL II ADOTM-1-91-DECEMBER	FUNCTION PER
CHAPTER 6.01 ADOT POLICY ON POLITICAL ACTIVITIES		

1.01 PURPOSE

To provide information concerning the freedoms/limits on political activities by state employees.

1.02 POLICY

a. Arizona Revised Statutes, Section 41-772, prohibits covered state employees (those subject to Department of Administration Personnel Rules) from engaging in the following activities:

- (1) Being a member of any national, state or local committee of a political party.
- (2) Serving as an officer or chairman of a committee of a partisan political club.
- (3) Becoming a candidate for nomination or election to any paid political office.
- (4) Taking part in the management or affairs of any political party, or in any political campaign.
- (5) Holding positions such as deputy election registrars or positions on election boards, and in all other instances where such appointments are made as representatives of any political party.

b. Effective September 21, 1991, the Arizona state law (ARS 41-772) permits covered state employees to engage in the following activities:

(1) Expressing an opinion. This has been interpreted to include wearing a political badge or button and displaying a political bumper sticker; and/or wearing a badge or button for or against the recall of a state officer and displaying such a bumper sticker.

(2) Attending meetings for the purpose of becoming informed concerning the candidates for public office and the political issues.

(3) Voting and signing nomination or recall petitions.

(4) Running for the school board or community college district governing board.

(5) Exercising civil or political liberties as guaranteed by the United States and Arizona Constitutions. These liberties have been interpreted to including joining or not joining a political party, signing or not signing nominating petitions, signing or not signing initiative petitions, campaigning for or against referendums or initiatives (including the circulation of initiative or referendum petitions), signing or not signing petitions to recall state officers, and joining or not joining a political club which is in part socially oriented or in part designed to providing political information, as long as the employee avoids taking part in any political campaign.

(6) Make contributions to candidates political parties or campaign committees contributing to candidates or advocating the election or defeat of candidates.

(7) Circulate candidate nomination petitions or recall petitions.

(8) Engage in activities to advocate the election or defeat of any candidate.

(9) Solicit or encourage contributions to be made directly to candidates or campaign committees contributing to candidate or advocating the election or defeat of candidates.

c. Except for expressing his/her opinion, or pursuant to ARS 16-401, an employee shall not engage in any permitted political activity while on duty, while in uniform or at public expense.

d. A person shall not use direct or indirect threat, intimidation or coercion (including threats or discrimination, reprisal, force or any other adverse consequence, i.e., the loss of any benefit, reward, promotion, advancement or compensation);

- (1) To solicit an employee to engage or not engage in political activities, or
- (2) Because the employee is engaged in political activity, or
- (3) Because the employee is not engaged in political activity.

1.03 NON-COMPLIANCE

a. Arizona Revised Statute 41-772 (H) provides that violation of this statute results in suspension for not less than 30 days or dismissal. Because of this, employees are encouraged to refer any questions that they have to their supervisor, or to the Department of Administration Personnel Manager assigned to their agency, PRIOR TO participating in any political activity that is not addressed in this memorandum.

b. State employees in uncovered positions generally are not subject to the foregoing limitations except for those employees who are on a mobility assignment, or on leave without pay status, to an uncovered position. However, uncovered employees may run for paid elected office. Non-covered employees who are candidates for political office should take leave without pay, annual leave or adjust their work weeks to prevent payment of state monies at any time, associated with their candidacy. It is advisable that uncovered employees check with their supervisor or the Department of Administration Personnel Manager to determine if the activities they wish to pursue are legal.

1.04 ABSENCE FROM WORK FOR VOTING

a. An employee entitled to vote at a primary or general election held within this state may, on the day of the election, be absent for the purpose of voting, IF:

- (1) There are less than three consecutive hours between the opening of the polls and the beginning of their regular workshift, or
- (2) There are less than three consecutive hours between the end of their regular workshift and the closing of the polls.

b. An employee taking time off to vote, may be absent for the amount of time at the beginning or end of their workshift that, when added to the time difference between workshift hours and opening or closing of the polls, will

provide a total of three consecutive hours. Charge this time to "Civic Duty Leave", code 9651 on the employee's Bi-Weekly Time Sheet.

(1) Example 1 ~ Employees regular work hours are 8:00 a.m. to 5:00 p.m. The polls open at 6:00 a.m. and close at 7:00 p.m. There are not 3 consecutive hours from 6:00 a.m. (when the polls open) to 8:00 a.m. (beginning of workshift). There are not 3 consecutive hours between 5:00 p.m. (end of workshift) and 7:00 p.m. (when polls close). This employee is eligible to request and receive an additional 1 hour to be absent for voting.

(2) Example 2 ~ Employees regular work hours are 7:30 a.m. to 4:00 p.m. The polls open at 6:00 a.m. and close at 7:00 p.m. There are 3 consecutive hours from 4:00 p.m. (end of workshift) to 7:00 p.m. (when polls close). This employee is not eligible to receive time to be absent for voting.

(3) Example 3 ~ Employees regular work hours are 7:00 a.m. to 6:00 p.m., a 10-hour day. The polls open at 6:00 a.m. and close at 7:00 p.m. The employee is eligible to request and receive an additional 2 hours to be absent for voting.

c. The request to be absent for voting purposes must be made to the supervisor the day prior to the day of the election.

d. The supervisor may specify the hours the employee may be absent for voting.

e. A person who refuses an employee the right to be absent to vote per ARS 16-402, or who subjects an employee to penalty or reduction in wages, is subject to disciplinary action and or dismissal.